IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.251 OF 1990
ALONG WITH
CRIMINAL APPEAL NO.252 OF 1990

The State of Maharashtra,
at the instance of S.J.Jambhale,
Food Inspector, Raigad at Pen ...Appellant

V/s

1. Naresh Moladmal Agrawal,
age 39 yrs. Occ. Business,
Kirana Stores, At Velshet,
Post-Pigonda, Tal. Roha,
Dist. Raigad.

2. Prashant Ratilal Jain
Nomineeof M/s Chogmal Dalichand,
and Co. Bombay - 9.

3. Mahesh Mangaldar Rajgor,
Proprietor of M/s. Balaji Oil,
Traders, Bombay. ...Respondents.
(Orig.accused)

Mr. A.M. Shringarpure, APP for the appellant - State.

Mrs. V.R. Raje for the respondents.

CORAM: V.M. KANADE, J.
DATE : 24TH SEPTEMBER, 2004

ORAL JUDGMENT:

1. Both the above appeals arise out of the common judgment of the Trial Court in R.C.C Nos.65 of 1989 and 66 of 1989 and, therefore, they are being disposed of by this Common Judgment.

2. Heard the learned APP for the appellant - State.

3. Appellant - State is challenging the common

judgment and order dated 22.9.1989 passed by the Chief Judicial Magistrate, Raigad-Alibag whereby the Trial Court has decided R.C.C. Nos. 65 of 1989 and 66 of 1989 respectively and acquitted the accused from the offence punishable under the various provisions of the Prevention of Food Adulteration Act, 1954.

4. The Trial Court in its judgment has observed that while according sanction to the prosecution, the Sanctioning Authority has not taken into consideration whether the said sanction to the prosecution was necessary in the interest of the public at large. The Trial Court, after perusing Exhibit-63, has observed that no reasons were recorded in the said order of sanction. The Trial Court relied upon the judgment of this Court in the case of Gahininath Bhimrao Patekar Vs. The State of Maharashtra & Ors. reported in 1987(I), Food Adulteration Cases 95 and the judgment of the Apex Court in the case of State of Bombay Vs. Purshottam Kanaiyalal reported in AIR 1961 SC 1. The Trial Court, therefore, held that the sanction accorded via documents at Exhibits 61 and 63 was invalid. The Trial Court has further observed that there was inordinate delay of eight months for filing the prosecution and no explanation was offered by the prosecution for the said delay. The Trial Court also

held that the statement of the Public Analyst at Exhibit 14 could not be relied upon.

5. I have perused the documents - Exhibit-61 and Exhibit-63. I am also in agreement with the finding given by the Trial Court. There is no reason to interfere with the said Judgment and Order. The said Judgment and Order is well reasoned which has been given after taking into consideration the legal position as laid down by this Court and the Apex Court of India. As a result, both the appeals are dismissed. The Judgment and Order passed by the Trial Court is confirmed.

V.M.KANADE, J.